

## REMARKS

Claims 10, 12, 14, 17, 18, 21, 22, 25-31, 34 and 35 are pending in the present application.

Claims 10, 12, 14, 17, 18, 25, 26 and 27 are amended.

Claims 1-9, 11, 13, 15, 16, 19, 20, 23, 24, 32 and 33 are cancelled.

Claim 35 is newly entered.

No new matter is entered as a result of the amendments.

### Claim Rejections - 35 USC § 102

Claims 10, 12-17, 21, 23-24, 26 and 28-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al. (USP 4,839,049).

The Office rationalizes that the claimed product appears to be the same, or similar to, that of the prior art. Applicants respectfully disagree.

A critical element of a fine pore filter, especially for filtering molten metal, is the combination of porosity and strength. As the pore size decreases the ability of the slurry to adequately wet the interior struts of the foam begin to

deteriorate as set forth, particularly, in paragraph [0008] of the instant application as published.

Submitted herewith is a DECLARATION UNDER 37 CFR 1.132 by Rudolph A. Olson III, Ph.D. wherein the slurry of Kinney is duplicated and applied to a 30 and 60 ppi foam. As described therein the slurry of Kinney will not adequately penetrate a foam filter to the degree necessary to form a filter of the present invention. More importantly, the foam filter would not be adequate for filtration of molten metal due to the inhomogeneity of the foam structure and weakness resulting therefrom.

As set forth in the Declaration, claims 10 and 12 represent a patentable advance in the art. Claim 10 is patentable due to the failure of Kinney to teach a slurry which will impregnate a 60 ppi foam. Claim 12 is patentable due to the failure of Kinney to recite a filter suitable for filtering molten metal as described.

Claims 25-31 and 34 ultimately depend from claim 10 and are patentable for, at least, the same reasons as claim 10. Claims 14, 17, 18, 21 and 22 ultimately depend from claim 12 and are patentable for, at least, the same reasons as claim 12.

Applicants have established an unobvious difference between the claimed product and the prior art product. In particular, the claimed product can not be obtained by the prior art and the difference between the claimed invention and the prior art is easily determined by visual inspection. The rejection is therefore improper.

The rejection of claims 10, 12-17, 21, 23-24, 26 and 28-34 under 35 U.S.C. 102(b) as being anticipated by Kinney et al. is traversed.

#### Claim Rejections - 35 USC § 103

Claims 18, 22, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. in view of Pryor.

Claims 18 and 25 are amended.

Claims 22 and 27 recite the size of the respective filter.

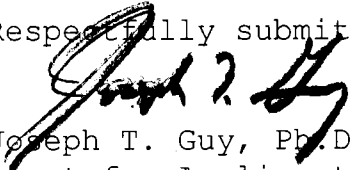
Even with the teachings of Pryor included one of skill in the art would still not arrive at the claimed invention as set forth in the dependent claim from which 18, 22, 25 and 27 ultimately depend.

The rejection of claims 18, 22, 25 and 27 under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. in view of Pryor is traversed.

### CONCLUSIONS

Claims 10, 12, 14, 17, 18, 21, 22, 25-31 and 34-35 are pending in the present application. All claims are believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,

  
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